



Senate

General Assembly

January Session, 2003

File No. 357

Senate Bill No. 746

Senate, April 15, 2003

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING THE AVAILABILITY OF STATE SERVICES
AND PROGRAM BENEFITS TO LEGAL IMMIGRANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-261b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) The Department of Social Services shall be the sole agency to
4 determine eligibility for assistance and services under programs
5 operated and administered by said department.

6 (b) The Department of Social Services, when making eligibility
7 determinations for programs operated and administered by said
8 department, shall apply the same rules concerning income and asset
9 limits, income deemed available to a program applicant and recovery
10 of program benefits to qualified aliens, as defined in Section 431 of
11 Public Law 104-193, admitted into the United States on or after August
12 22, 1996, and other lawfully residing immigrant aliens or aliens who

13 formerly held the status of permanently residing under color of law, as
14 such rules apply to United States citizens applying for and
15 participating in state-administered assistance programs.

16 [(b)] (c) Any person filing an application with a probate court for
17 spousal support, in accordance with section 45a-655, shall certify to
18 that court that a copy of the application and accompanying
19 attachments have been sent by regular mail, postage prepaid, to the
20 Commissioner of Social Services. The probate court shall provide a
21 notice of hearing to the commissioner at least fifteen business days
22 prior to the hearing. The commissioner or a designee shall have the
23 right to appear at such hearing and may present the commissioner's
24 position as to the application in person or in writing. Any final order
25 by the court on such application for spousal support shall be sent to
26 the commissioner within seven business days of the order.

27 [(c)] (d) No probate court shall approve an application for spousal
28 support of a community spouse unless (1) notice is provided in
29 accordance with subsection [(b)] (c) of this section, and (2) the order is
30 consistent with state and federal law.

31 Sec. 2. Section 17b-116 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2003*):

33 (a) Each person who has not estate sufficient for his support, and
34 has no relatives of sufficient ability who are obliged by law to support
35 him, shall be provided for and supported to the extent required under
36 the general assistance program at the expense of the town in which he
37 resides, except as otherwise provided in this section, or, if he has no
38 residence, of the town in which he becomes in need of aid, subject to
39 the provisions of section 17b-118, subsection (a) of section 17b-689, and
40 in accordance with section 17b-220, except that in making a
41 determination of liability for support under this section the income of a
42 stepparent living in the same home as a dependent child or dependent
43 children shall be considered in the same manner and to the same
44 extent as under the temporary family assistance program.
45 Additionally, each person shall be: (1) Eighteen years of age or older;

46 (2) a minor found by a court to be emancipated pursuant to section
47 46b-150; (3) under eighteen years of age and a member of a family
48 eligible for general assistance; or (4) under eighteen years of age and
49 the commissioner determines good cause for such person's eligibility.
50 Prior to July 1, 1997, any such person who enters an institution, or a
51 series of institutions, shall be provided for and supported at the
52 expense of the town in which he resided at the time he entered such
53 institution or institutions for sixty days following his discharge from
54 such institution or institutions. If a town is liable for any part of the
55 cost of the institutionalization of such person, the town in which such
56 person resided at the time he entered the institution or institutions
57 shall be liable for such cost. Upon the admission of any such person to
58 a state-operated facility, as defined in section 17a-458, those persons
59 responsible for the person's discharge planning shall contact the town
60 in which such person resided prior to entering such facility and make
61 arrangements for the support of such person by that town for sixty
62 days following his discharge from such facility. As used herein, the
63 term "reside" means "occupy an established place of abode" and
64 "institution" means a health or mental health residential facility such as
65 a hospital or nursing home or any nonpermanent housing facility such
66 as a halfway house or shelter for battered women. When such person
67 is in need of hospital care, it shall be similarly provided subject to the
68 provisions of section 17b-259. A person who is a recipient of financial
69 aid under section 17b-107 or the temporary family assistance program,
70 the state-administered general assistance program or the state
71 supplement program or Social Security disability or supplemental
72 security income shall be considered to be provided for by the state or
73 federal government. On and after September 4, 1991, no such person
74 shall be eligible to receive general assistance financial or medical aid.
75 No town shall be liable to supplement a recipient of financial aid under
76 section 17b-107 or under the temporary family assistance program, the
77 state-administered general assistance program or the state supplement
78 program whose award has been reduced or suspended or who has
79 been penalized with a period of ineligibility, during such period of
80 ineligibility. A person who is a recipient of Medicaid shall be

81 considered to have his medical needs provided for by the state and no
82 such person shall be eligible to receive general assistance medical aid.

83 (b) On and after April 1, 1984, no town shall refuse to accept an
84 application for general assistance or general assistance medical
85 benefits because a person is deemed not to be a resident. In such a case,
86 the town shall accept the application and contact the Department of
87 Social Services. The department shall arrange to have the application
88 transferred to the appropriate town of residence. If a dispute arises
89 between two towns as to liability for support, the dispute shall be
90 referred to the Commissioner of Social Services in accordance with the
91 provisions of section 17b-134.

92 (c) Except as provided in sections 17b-125 and 17b-126, a person
93 whose assets exceed two hundred fifty dollars shall not be eligible for
94 assistance pursuant to this section or section 17b-259. The
95 Commissioner of Social Services may adopt regulations, in accordance
96 with chapter 54, to implement the provisions of this subsection.

97 [(d) On and after September 4, 1991, if an individual sponsors a
98 person admitted as a resident of the United States, such individual's
99 income shall be deemed to be available for the support of the person
100 for three years from the date the person enters the United States.]

101 [(e)] (d) Persons domiciled and residing in Connecticut or who have
102 no other residence, and who are United States citizens or who have
103 been admitted as qualified aliens, as defined in Section 431 of Public
104 Law 104-193, into the United States prior to August 22, 1996, or other
105 lawfully residing immigrant aliens or aliens who formerly held the
106 status of permanently residing under color of law shall be eligible for
107 support under the general assistance program. A qualified alien
108 admitted into the United States on or after August 22, 1996, or other
109 lawfully residing immigrant alien determined eligible for general
110 assistance prior to July 1, 1997, shall remain eligible for such assistance.
111 Qualified aliens or other lawfully residing immigrant aliens admitted
112 into the United States on or after August 22, 1996, and not determined
113 eligible for assistance prior to July 1, 1997, shall be eligible for such

114 assistance subsequent to six months from establishing residency in this
115 state. Qualified aliens [must] shall pursue citizenship to the maximum
116 extent allowed by law as a condition of eligibility for the general
117 assistance program unless incapable of doing so due to a medical
118 problem, language barrier or other reason as determined by the
119 Commissioner of Social Services. Notwithstanding the provisions of
120 this subsection, any qualified alien or other lawfully residing
121 immigrant alien or alien who formerly held the status of permanently
122 residing under color of law who is a victim of domestic violence or
123 who has mental retardation shall be eligible for general assistance. [No
124 town shall accept applications for assistance under this section from
125 qualified aliens, as defined in Section 431 of Public Law 104-193, or
126 other lawfully residing immigrant aliens or aliens who formerly held
127 the status of permanently residing under color of law on or after June
128 30, 2002.]

129 [(f)] (e) No person who is a substance abuser and refuses or fails to
130 enter available, appropriate treatment shall be eligible for financial
131 assistance under the general assistance program until such person
132 enters treatment.

133 [(g)] (f) No person whose benefits from the aid to families with
134 dependent children program, or the temporary family assistance
135 program, or the state-administered general assistance program have
136 terminated as a result of time-limited benefits or for compliance with a
137 program requirement shall be eligible for financial assistance under the
138 general assistance program or the state-administered general
139 assistance program.

140 [(h)] (g) A town may provide assistance additional to that required
141 under the general assistance program. No such additional assistance
142 shall be considered income in determining whether a person is eligible
143 for assistance under said programs. Any such additional assistance
144 shall be paid by the town without any reimbursement from the state.
145 Each town which offers such additional assistance shall notify the
146 commissioner of the assistance to be provided and the eligibility

147 criteria for such assistance.

148 Sec. 3. Section 17b-116a of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective July 1, 2003*):

150 The Commissioner of Social Services may develop a restrictive
151 payment system for municipalities disbursing cash assistance to a
152 recipient of the general assistance program identified as a substance
153 abuser, pursuant to subsection [(f)] (e) of section 17b-116, as amended
154 by this act. Such recipient shall remain on said system until he has
155 been certified as no longer dependent on any substance for a period of
156 one year. The commissioner shall adopt regulations, in accordance
157 with chapter 54, to develop said system.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>

HS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Social Services	GF - Cost	Potential Significant	Potential Significant

Municipal Impact: None

Explanation

This bill requires the Department of Social Services (DSS) to apply the same rules concerning income and asset limits, income deemed available to the applicant and recovery of benefits to non-citizens as it does for citizens for all departmental programs. The department currently applies the same income and asset rules to all applicants, so the bill would not change current practice for these two aspects.

The bill's requirements for income deemed available and for recovery of assets, however, could lead to significant increased costs to DSS. Under current practice, the income of the individual who is sponsoring a legal immigrant or qualified alien is deemed available to such an applicant for purposes of determining eligibility for services. The state also seeks reimbursement from the sponsor for any benefits that such a non-citizen receives. This bill would end both of these practices. This is expected to result in increased enrollment in DSS programs as the bill would in effect reduce the countable income for non-citizen applicants. Under certain programs, non-citizens already enrolled may also be eligible for larger benefits by having their countable income reduced. The extent of these increased costs cannot be determined as it is not known how many additional people would become eligible if they do not have to count their sponsor's income as

their own.

OLR Bill Analysis

SB 746

***AN ACT CONCERNING THE AVAILABILITY OF STATE SERVICES
AND PROGRAM BENEFITS TO LEGAL IMMIGRANTS*****SUMMARY:**

This bill requires the Department of Social Services (DSS) to treat legal immigrants admitted to the U. S. on or after August 22, 1996, and certain other legal immigrants the same as U.S. citizens when it determines their eligibility for programs DSS operates and administers. Specifically, the bill requires DSS to apply the same rules concerning income and asset limits, income deemed available to the applicant, and recovery of benefits.

The bill applies to both (1) federally funded programs such as Medicaid, Temporary Family Assistance, and others which the state administers and (2) purely state-funded programs such as State-Administered General Assistance and some immigrant programs that the state set up to fill in the gaps when a 1996 federal law barred most new legal immigrants from federal programs for their first five years in the U.S. But federal law generally requires income and assets from a legal immigrant's sponsor to be considered when the immigrant applies for federally funded means-tested public assistance programs ("deeming") and permits, but does not require, states to do the same for their purely state-funded programs.

The bill eliminates the provision in the town General Assistance (GA) statute that requires a sponsor's income to be deemed available to support the immigrant for three years from the date of entry into the U. S. It also opens up the GA program (currently operational only in Norwich) to new applicants. (Last year's PA 02-7, May Special Session, extended other programs' cutoff date for new applicants who are legal immigrants barred from federal programs for one year up to June 30, 2003, but left the cutoff date for GA at June 30, 2002.)

EFFECTIVE DATE: July 1, 2003

BACKGROUND

Federal Law Excludes Certain Legal Immigrants from Federal Programs

The 1996 federal welfare reform law (PL 104-193, 8 U.S.C. § 1601 *et seq.*) barred immigrants who are not "qualified aliens" as defined in federal law (8 U.S.C. § 1641) from most federally funded public assistance programs, including TFA and Medicaid. Even "qualified aliens" who enter the U.S. legally as permanent residents after the law's effective date, August 22, 1996, cannot receive federally funded public assistance for their first five years here (8 U.S.C. § 1613(a)). But the federal law makes some exceptions. It allows qualified aliens who are refugees or have been granted asylum and certain other disadvantaged groups to qualify for assistance immediately for up to either five or seven years, depending on the program. Also, permanent resident aliens who have worked here for 10 years and those who are veterans of, or on active duty with, the U.S. armed forces and their spouses and children have no time restrictions on their eligibility. All qualified aliens admitted into this country before August 22, 1996 remain eligible for federally funded assistance programs.

Federal Law on Deeming of Sponsor's Income

Federal law requires U.S. citizens who sponsor immigrants' entry into the U.S. to sign an affidavit promising to support them if necessary until they become citizens or have worked and paid Social Security taxes for 10 years. It generally requires states to consider legal immigrants' sponsors' income and assets as available to support them when they determine eligibility for federally funded means-tested assistance programs, with some exceptions. This process is called "deeming" because the income is deemed available to the assistance applicant (P.L. 104-193, § 421, 8 U.S.C. § 1631).

Federal law also allows states to apply deeming for immigrants to their purely state-funded programs (with certain exceptions), which Connecticut currently does (P.L. 104-193, Sec. 421, 8 U.S.C. § 1631). (It appears that, because federal law requires deeming for the federally funded programs, this bill might only be effective for the purely state-funded programs, which mostly serve immigrants who have been here for less than five years and some others who do not fit the federal definitions of qualified aliens.)

Connecticut's State-Funded Immigrant Programs

In 1997, Connecticut established temporary two-year, state-funded programs for qualified aliens and other lawfully residing immigrant aliens and extended the programs several times over the years. In 2000, it also made people who formerly held "permanently residing under color of law" (PRUCOL) immigration status eligible for these state-funded programs. Prior to federal immigration reform, the Immigration and Naturalization Service assigned PRUCOL status to noncitizens without permanent resident status whom the agency chose not to deport. Because INS now classifies many who had this status as "non-immigrants" some were ineligible for state assistance before the 2000 change.

In 2001 the legislature made the programs permanent, but kept them open to new applicants for only another year. In 2002, it extended this cutoff date for new applicants once more (except for town GA) so that currently the last day for legal immigrants who are barred from federal programs to apply for state-funded programs is June 30, 2003. After that date, the state-funded immigrant programs will be closed to new applicants (PA 02-7, §§ 22 - 25, May 9 Special Session)

Related Bill

SB 1010 (File 257), which the Human Services Committee reported favorably on March 27, (1) continues eligibility for new applicants for all the solely state-funded legal immigrant programs indefinitely by removing the current cutoff dates and (2) eliminates the current six-month residency requirement for these programs.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report

Yea 15 Nay 3